

19.10 Definitions

19.10.005	User Guide.	19.10.084	Critical aquifer recharge areas
19.10.010	Accessory	19.10.085	Critical areas
19.10.012	Accessory living quarters	19.10.090	Critical facility
19.10.015	Adjoining	19.10.095	Cultural facility
19.10.017	Adult entertainment facilities	19.10.100	Day care center
19.10.018	Airplane unit load device	19.10.105	Day care operation
19.10.019	Alley	19.10.107	Deciduous
19.10.020	Alteration	19.10.108	Deck
19.10.025	Amusement arcade	19.10.110	Director
19.10.026	Animal, small	19.10.111	Ditches
19.10.027	Antenna	19.10.112	Domestic fowl
19.10.030	Applicant	19.10.115	Dwelling unit
19.10.031	Aquifer	19.10.120	Dwelling unit, accessory
19.10.032	Architectural scale	19.10.123	Dwelling unit, apartment
19.10.035	Arterial street	19.10.124	Dwelling unit, primary
19.10.036	Articulation	19.10.125	Dwelling unit, townhouse
19.10.037	Artwork	19.10.130	Dwelling unit, senior citizen assisted
19.10.038	Balcony	19.10.135	Dwelling unit, single detached
19.10.038.2	Base flood	19.10.140	Eating and drinking establishment
19.10.038.3	Base flood elevation	19.10.141	Endangered Species Act
19.10.038.5	Bed and breakfast establishment	19.10.142	Enhancement
19.10.038.6	Beehive	19.10.143	Equipment enclosure
19.10.038.7	Best available science	19.10.144	Equipment, heavy
19.10.038.8	Best management practices (BMPs)	19.10.145	Erosion
19.10.039	Blank walls	19.10.150	Erosion hazard areas
19.10.040	Buffer	19.10.155	Essential public facility
19.10.045	Building	19.10.157	Evergreen
19.10.050	Building coverage	19.10.158	FAA
19.10.051	Building Modulation	19.10.159	Facade
19.10.052	Camouflaged	19.10.160	Family
19.10.054	Cargo container	19.10.165	Family day care home I
19.10.055	Cemetery	19.10.170	Family day care home II
19.10.056	Class A pedestrian-oriented street	19.10.173	FCC
19.10.057	Class B pedestrian-oriented street	19.10.174	Federal Emergency Management Agency (FEMA) floodway
19.10.058	Collocation	19.10.174.2	Fee-In-Lieu
19.10.060	Community facility	19.10.175	Fence
19.10.065	Community residential facility	19.10.177	Fish Habitat
19.10.067	Compensatory mitigation	19.10.179.1	Flood fringe
19.10.068	Confinement area	19.10.179.2	Flood hazard areas
19.10.070	Construction code	19.10.179.3	Flood Insurance Rate Map
19.10.073	Continuing use	19.10.179.4	Flood Insurance Study for King County
19.10.075	Convenience auto service	19.10.179.5	Flood protection elevation
19.10.080	Convenience retail	19.10.179.6	Floodplain
19.10.081	Cornice	19.10.179.7	Floodproofing
19.10.083	Courtyard		

19.10.179.8	Floodway, zero-rise	19.10.330	Repealed
19.10.180	Footprint	19.10.331	Major new construction or modification
19.10.181	Forest practice		
19.10.183	Frontage	19.10.335	Master plan
19.10.184	Functions and values	19.10.340	Repealed
19.10.185	Garage, detached single-family	19.10.345	Mitigation
		19.10.350	Mixed use
19.10.190	Geologically hazardous areas	19.10.355	Mobile home
19.10.195	Geologist	19.10.360	Mobile home park
19.10.200	Geotechnical engineer	19.10.362	Modulation
19.10.205	Golf course	19.10.365	Monitoring
19.10.210	Government facility	19.10.367	Monopole
19.10.215	Grade	19.10.367.5	Native vegetation
19.10.217	Grade, finished	19.10.368	Nonconformance
19.10.220	Grade, natural	19.10.368.3	Noxious weed
19.10.225	Grading	19.10.368.7	Net floor area
19.10.227	Grazing area	19.10.369	Non-Residential Zone
19.10.230	Gross floor area	19.10.370	Nursing home
19.10.232	Groundcover	19.10.373	Off-site commercial parking
19.10.233	Groundwater	19.10.375	Off-site hazardous waste treatment and storage facility
19.10.235	Hatchery/fish preserve		
19.10.240	Hazardous household substance	19.10.380	On-site hazardous waste treatment and storage facility
19.10.242	Hazardous materials or substances	19.10.385	Office
19.10.243	Hazardous materials questionnaire	19.10.390	Ordinary high water mark
		19.10.390.5	Owner Occupied
19.10.245	Hazardous substance	19.10.391	Panoram device
19.10.250	Hazardous waste	19.10.392	Panoram premises
19.10.255	Hazardous waste storage	19.10.393	Parking lot aisle
19.10.260	Hazardous waste treatment	19.10.394	Parking space
19.10.265	Height	19.05.394.5	Patio
19.10.270	High technology industry	19.10.395	Pawn shop
19.10.273	Home occupation	19.10.395.5	Pedestrian-oriented façade
19.10.275	Hospital	19.10.396	Pedestrian-oriented space
19.10.278	Human scale	19.10.397	Personal wireless service facility (PWSF)
19.10.280	Impervious surface	19.10.398	Personal wireless services
19.10.285	Impervious surface coverage	19.10.399	Primary façade
19.10.287	Injection well	19.10.399.5	Primary Structure
19.10.288	In-kind	19.10.400	Primary use
19.10.290	Interim zoning code	19.10.405	Private club
19.10.295	Kennel	19.10.410	Property line
19.10.298	Landscaping	19.10.415	Public agency training facility
19.10.300	Landslide	19.10.420	Public park and recreation facilities
19.10.305	Landslide hazard areas		
19.10.310	Light industry	19.10.425	Public agency
19.10.312	Livestock	19.10.430	Public utility
19.10.313	Loading space	19.10.435	Reasonable use
19.10.315	Lodging facility	19.10.440	Recreational facility
19.10.320	Lot	19.10.445	Recycling center
19.10.325	Lot area	19.10.446	Regional utility corridor
19.10.327	Lot Averaging	19.10.447	Regulated facility or activities

19.10.450	Religious facility
19.10.455	Residential zone
19.10.460	Restoration
19.10.465	Retail
19.10.470	Right-of-way
19.10.472	Riparian habitat
19.10.474	Salmonid
19.10.474.5	Scale (architectural)
19.10.475	School
19.10.477	Screen/screening
19.10.479	Secure community transition facility
19.10.480	Seismic hazard areas
19.10.485	Setback
19.10.490	Self service storage facility
19.10.492	Shorelines of the State
19.10.493	Significant tree
19.10.495	Site
19.10.500	Site improvements
19.10.505	Slope
19.10.510	Social card game
19.10.511	Species
19.10.512	Specified anatomical areas
19.10.513	Specified sexual activities
19.10.515	Steep slope
19.10.516	Storefront
19.10.517	Stream
19.10.518	Stream, Intermittent
19.10.519	Stream, Perennial
19.10.520	Street
19.10.525	Structure
19.10.529	Sub-drainage basin
19.10.530	Submerged land
19.10.535	Substantial improvement
19.10.537	Support structure
19.10.540	Theatre
19.10.543	Topographic map
19.10.545	Trail
19.10.550	Use
19.10.555	Vehicular access easement or tract
19.10.560	Vendor cart
19.10.562	Vernacular
19.10.565	Warehousing and wholesale trade
19.10.570	Water table
19.10.575	Wellhead protection areas
19.10.580	Wetlands
19.10.585	Wetlands, associated
19.10.590	Wetland classes, classes of wetlands, or wetland types
19.10.595	Wetland edge
19.10.600	Wildlife habitat

19.10.005 User Guide. The definitions in this Chapter apply throughout this Code unless, from the context, another meaning is clearly intended.

A

19.10.010 Accessory – A *use*, activity, *structure* or part of a *structure* that is subordinate and incidental to the main activity or *structure* on the *site*.

19.10.012 Accessory living quarters - Living quarters in an *accessory building* for the use of the occupant or persons employed on the premises, or for temporary use of guests of the occupant. Such quarters have no kitchen and are not otherwise used as a separate *dwelling unit*. [Ord. 355 § 1, 2002]

19.10.015 Adjoining – Property that touches or is directly across a *street*, private street or access easement, or *right of way* (other than a freeway or principal arterial), from the subject property.

19.10.017 Adult entertainment facilities – *Adult cabarets, adult massage parlors, adult motion picture theaters, adult panoram premises, adult sauna parlors*, which are defined as follows:

1. Adult cabaret: A commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.
2. Adult massage parlor: A commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises in which such service is provided.
3. Adult motion picture theater: A building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
4. Adult panoram premise. A *panoram premise* used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
5. Adult sauna parlor: A commercial sauna establishment which excludes any person by virtue of age from all or any portion of the premises. [Ord. 396 § 1, 2003, Ord. 291 § 3, 2000]

19.10.018 Airplane unit load device – The purpose of an airport unit load device is to enable individual pieces of cargo to be assembled into a standard-size unit to facilitate the rapid loading and unloading of airplanes having compatible handling and restraint systems. An airport unit load device includes any of the following:

1. Airplane pallet and pallet net.
2. Airplane pallet and net over a nonstructural container.
3. Airplane container.

19.10.019 Alley – An improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular access to an interior boundary of one or more lots, and is not designated for general traffic circulation.[Ord. 428 § 3, 2005]

19.10.020 Alteration -- Any human activity which results or is likely to result in an impact upon the existing condition of a *critical area*. Alterations include, but are not limited to, *grading*, filling, dredging, draining, channelizing, applying herbicides or pesticides or any *hazardous substance*, discharging pollutants except storm water, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity which results or is likely to result in an impact to existent vegetation, hydrology, wildlife or wildlife habitat. Alterations do not include walking, fishing or any other passive recreation or other similar activities.

19.10.025 Amusement arcade -- A *building* or part of a *building* in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding jukeboxes or gambling-related machines) are operated.

19.10.026 Animal, small - Any animal, other than *livestock* or animals considered to be predatory or wild, which are kept either inside or outside a *dwelling unit*. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition. Small animals include, but are not limited to dogs, cats, rabbits, *domestic fowl*, birds, snakes, rodents, and miniature potbellied pigs. [Ord. 355 § 1, 2002]

19.10.027 Antenna -- Any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a *support structure*, pole, light standard, *building* or other *structure* for the purpose of providing *personal wireless services* and its attendant base station. Types of *antennas* include:

1. An omni-directional antenna receives and transmits radio frequency signals in a 360 degree radial pattern. A whip antenna is an omni-directional antenna that is up to 15 feet in *height* and up to four inches in diameter. A cylindrical antenna is an omni-directional antenna that is up to 8 feet in *height* and up to 18 inches in diameter.
2. A directional or panel antenna receives and transmits radio frequency signals in a specific directional pattern of less than 360 degrees. [Ord. 385 § 1, 2003, Ord. 265 § 15, 1999]

19.10.030 Applicant -- A property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit or approval.

19.10.031 Aquifer -- A body of soil or rock that contains sufficient saturated material to conduct *groundwater* and yield usable quantities of *groundwater* to wells or springs. [Ord. 394 § 1, 2003]

19.10.032 Architectural scale - The perceived relative *height* and bulk of a *building* relative to that of neighboring *buildings*. [Ord. 273 § 1, 1999]

19.10.035 Arterial street -- Streets designated principal, minor or neighborhood arterials by the Burien Comprehensive Plan.

19.10.036 Articulation -- Means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm dividing large *buildings* into smaller identifiable pieces. [Ord. 441 § 12, 2005]

19.10.037 Artwork -- a device, element or feature whose primary purpose is to express, enhance or illustrate aesthetic quality, feeling, physical entity, idea, local condition, historical or mythical happening, or cultural or social value. Examples of artwork include sculpture, bas relief

sculpture, mural, or unique specially crafted lighting, furniture, pavement, landscaping, or architectural treatment that is intended primarily, but not necessarily exclusively, for aesthetic purposes. Signs are not considered artwork. [Ord. 273 § 1, 1999]

B

19.10.038 Balcony - An exterior floor projecting from and supported by a structure without additional independent supports. [Ord. 273 § 1, 1999, Ord. 437 § 12, 2005]

19.10.038.2 Base flood - A flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” [Ord. 394 § 1, 2003]

19.10.038.3 Base flood elevation - The water surface elevation of the *base flood* in relation to the National Geodetic Vertical Datum of 1929. [Ord. 394 § 1, 2003]

19.10.038.5 Bed and breakfast establishment - A *dwelling unit* or *accessory building* within which bedrooms are available for paying guests on a nightly or weekly basis. [Ord. 355 § 1, 2002]

19.10.038.6 Beehive - A *structure* designed to contain one colony of honeybees (*apis mellifera*). [Ord. 355 § 1, 2002]

19.10.038.7 Best available science - Current scientific information used in the process to designate, protect, or restore *critical areas*, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925. Sources of best available science are included in “Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas” published by the state Office of Community Development. [Ord. 394 § 1, 2003]

19.10.038.8 Best management practices (BMPs) - Conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
2. Minimize adverse impacts to surface water and *groundwater* flow, circulation patterns, and to the chemical, physical, and biological characteristics of *wetlands*;
3. Protect trees and vegetation designated to be retained during and following site construction; and
4. Provide standards for proper use of chemical herbicides within *critical areas*.

The City shall monitor the application of best management practices to ensure that the standards and policies of BMC 19.40 are adhered to. [Ord. 394 § 1, 2003]

19.10.039 Blank walls -- Walls subject to “blank wall” requirements meet the following criteria:

1. Any wall or portion of a wall that has a surface area of 400 square feet having a width of at least 10 feet without a window, door, or *building modulation* as defined below or other architectural feature.

2. Any ground level wall surface or section of a wall over 4' in *height* at ground level that is longer than 15' as measured horizontally without having a ground level window or door lying wholly or in part within the 15' section. [Ord. 273 § 1, 1999]

19.10.040 Buffer - An area contiguous to a *critical area* that is required to protect the *critical area* and provide for the continued maintenance, functioning, and/or structural stability of a *critical area*. A buffer is measured outward from the edge of the *critical area*. [Ord. 394 § 1, 2003]

19.10.045 Building - Any *structure* used or intended for supporting or sheltering any *use* or occupancy.

19.10.050 Building coverage - The percentage of the area of a *lot* that is covered by the total horizontal surface area of the roof of a *building*.

19.10.051 Building Modulation - A stepping back or projecting forward of portions of a building facade within specified intervals of building width and depth, as a means of lessening the apparent bulk of a structure's continuous exterior walls. [Ord. 441 § 12, 2005]

C

19.10.052 Camouflaged -- A *personal wireless service facility* that is disguised, hidden or integrated with an existing or new *building* or *support structure* that does not appear to be a *PWSF* facility or *support structure*. It shall also mean any *support structure* sited among a stand of trees so as to be significantly screened from view; provided that the trees are legally protected from removal. [Ord. 265 § 16, 1999]

19.10.054 Cargo container - A standardized, reusable vessel that is or appears to be:

1. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or,
2. Designed for or capable of being mounted or moved on a rail car, and/or,
3. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship. [Ord. 369 § 1, 2002; Ord. 313 § 1, 2000]

19.10.055 Cemetery - Land or *structures* used for burial or cremation of the dead (humans or animals), and related *accessory uses*.

19.10.056 Class A pedestrian-oriented street - The designation of a *street* where pedestrians are given priority in the design and planned use of the *street* and where motorized vehicles are given secondary consideration if there is a conflict of use. [Ord. 273 § 1, 1999]

19.10.057 Class B pedestrian-oriented street - The designation of a *street* where motorized vehicles are given priority in the design and planned use of the *street* and where pedestrian accommodations are considered comparable to motorized vehicles. [Ord. 273 § 1, 1999]

19.10.058 Collocation -- The use of a common *personal wireless service facility* or *support structure* by two or more *personal wireless service* providers or by one *personal wireless service* provider for more than one type of communication technology. [Ord. 265 § 17, 1999]

19.10.060 Community facility – A *use* which serves the public and is generally of a public service, non-profit nature, including, but not limited to: food and clothing banks and other non-profit social service organizations.

19.10.065 Community residential facility - Living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification; if staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for subclassifying community residential facilities as follows:

1. Community residential facility-I: Nine to ten residents and staff.
2. Community residential facility-II: Eleven or more residents and staff.

19.10.067 Compensatory mitigation -- Replacing project-induced *wetland* losses or impacts, and includes, but is not limited to, the following:

1. Restoration - Actions performed to reestablish *wetland* functional characteristics and processes that have been lost by *alterations*, activities, or catastrophic events within an area that no longer meets the definition of a *wetland*.
2. Creation - Actions performed to intentionally establish a *wetland* at a site where it did not formerly exist.
3. Enhancement - Actions performed to improve the condition of existing degraded *wetlands* so that the functions they provide are of a higher quality. [Ord. 394 § 1, 2003]

19.10.068 Confinement area - Any open land area in which *livestock* are kept where the forage does not meet the definition of a *grazing area*. [Ord. 355 § 1, 2002]

19.10.070 Construction code – The Construction Code as amended and adopted by the City of Burien.

19.10.073 Continuing use – An existing, legally established *use* in a *non-residential zone* that is not listed in the use zone chart for the zone in which the *site* is located. [Ord. 268 § 9, 1999]

19.10.075 Convenience auto service – A small-scale *convenience retail use* that provides services and related goods for the routine maintenance of a motor vehicle. Services offered include, but are not limited to: auto detailing, provision of gasoline or diesel, oil change, lubrication, tune-ups, and car washing. Vehicle repair is not allowed as a convenience auto service *use*, except as an *accessory use* to a gas station.

19.10.080 Convenience retail – A small-scale *retail use* that provides limited goods and/or services to consumers to meet their daily needs. Customers typically visit a convenience retail business at least once per month. Any goods purchased must be capable of being transported from the establishment in an automobile. Goods and services offered include, but are not limited to: *convenience auto service*, banking, groceries, hair salon, laundry, pet care, pharmacy, and video rental.

19.10.081 Cornice – A horizontal molding projecting along the top of a wall, building, etc. [Ord. 441 § 12, 2005]

19.10.083 Courtyard -- A courtyard is a landscaped space enclosed on at least three sides by a single *structure*. [Ord. 273 § 1, 1999]

19.10.084 Critical aquifer recharge areas -- Those areas that significantly contribute to the recharge of *aquifers* used for potable water as defined by WAC 365-190-030(2). Critical aquifer recharge areas have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of *groundwater* resources or contribute significantly to the replenishment of *groundwater*. [Ord. 394 § 1, 2003]

19.10.085 Critical areas -- Aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, *geologically hazardous areas*, streams, and wetlands.

19.10.090 Critical facility -- A facility necessary to protect the public health, safety and welfare and which is defined under the occupancy categories of "essential facilities," "hazardous facilities" and "special occupancy structures" in the Uniform Building Code. Critical facilities also include nursing homes, public roadway bridges and *sites* for *hazardous substance* storage or production, not including the temporary storage of consumer products containing *hazardous substances* intended for household use or for *retail* sale on the *site*.

19.10.095 Cultural facility -- A *use* providing for display, performance, or enjoyment of heritage, history or the arts. This *use* includes, but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially-operated *theatres*.

D

19.10.100 Day care center -- A *day care operation* that is not a *family day care home I* or *family day care home II*.

19.10.105 Day care operation -- The temporary care of persons for periods of less than twenty-four hours in a *dwelling unit* or *structure* on a regular or recurring basis for pay or other valuable consideration including, but not limited to the furnishing of shelter, sustenance, supervision, education or other supportive services, but not including drug or alcohol rehabilitation services.

19.10.107 Deciduous -- A plant species with foliage that is shed annually. [Ord. 293 § 1, 2000]

19.10.108 Deck -- An exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports. [Ord. 273 § 1, 1999, Ord. 437 § 12, 2005]

19.10.110 Director -- The director of the City of Burien Department of Community Development Services or his/her designee.

19.10.111 Ditches -- Artificial drainage features created in uplands through purposeful human action, such as irrigation and drainage ditches, grass-lined swales, and canals. Purposeful creation must be demonstrated through documentation, photographs, statements, and/or other evidence. [Ord. 394 § 1, 2003]

19.10.112 Domestic fowl -- Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but is not limited to chickens, ducks, geese and turkeys. [Ord. 355 § 1, 2002]

19.10.115 Dwelling unit -- One or more rooms designed for occupancy by a person or *family* for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupant.

19.10.120 Dwelling unit, accessory -- A separate, complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling, or contained within a separate *structure* that is *accessory* to the primary *dwelling unit* on the premises.

19.10.123 Dwelling unit, apartment -- A *building* containing two or more *dwelling units* which may be stacked.

19.10.124 Dwelling unit, primary - A separate, complete *dwelling unit* that is the larger of the *dwelling units* when a single-family residential site development plan proposes or contains an *accessory dwelling unit*. [Ord. 355 § 1, 2002]

19.10.125 Dwelling unit, townhouse -- A *building* on its own separate *lot* containing one *dwelling unit* that occupies space from the ground to the roof, and is attached to one or more other townhouse *dwelling units* by at least one common wall.

19.10.130 Dwelling unit, senior citizen assisted - A *building* containing two or more *dwelling units* restricted to occupancy by senior citizens, and including, but not limited to the following support services, as deemed necessary:

1. Food preparation and dining areas;
2. Group activity areas;
3. Medical supervision; and
4. Similar activities.

19.10.135 Dwelling unit, single detached - A detached *building* on a single *lot* containing one *dwelling unit*, or a factory-assembled *structure* constructed to State Building Code standards.

E

19.10.140 Eating and drinking establishment— A commercial use which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises, and where the seating and associated circulation areas exceed ten percent of the *gross floor area* of the *use*.

19.10.141 Endangered Species Act -- A 1973 act of Congress that mandated that endangered and threatened *species* of fish, wildlife, and plants be protected and restored. [Ord. 394 § 1, 2003]

19.10.142 Enhancement -- An action which increases the *functions and values* of a *stream, wetland* or other *critical area* or *buffer*. [Ord. 394 § 1, 2003]

19.10.143 Equipment enclosure -- A facility, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include, for example, air conditioning, backup power supplies and emergency generators. [Ord. 265 § 18, 1999]

19.10.144 Equipment, heavy - High-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyers, harvesters, combines, or other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. [Ord. 355 § 1, 2002]

19.10.145 Erosion -- The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.

19.10.150 Erosion hazard areas – Lands underlain by soils which are subject to severe *erosion* when disturbed.

19.10.155 Essential public facility – Those facilities described in RCW 36.70A.200.

19.10.157 Evergreen -- A plant species with foliage that persists and remains green year round. [Ord. 293 § 1, 2000]

F

19.10.158 FAA -- The Federal Aviation Administration. [Ord. 265 § 19, 1999]

19.10.159 Facade -- Any portion of an exterior elevation of a *building* extending from the finish *grade* of the *building* to the top of the parapet wall or eaves, for the entire width of the *building* elevation. [Ord. 273 § 1, 1999]

19.10.160 Family - An individual; two or more persons related by blood or marriage; a group of eight or fewer residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the *dwelling unit* by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents.

19.10.165 Family day care home I – A *day care operation* in the provider's *dwelling unit*, in the *family* living quarters, with no more than six (6) attendees at any one time, not including the immediate *family* members who reside in the *dwelling unit*.

19.10.170 Family day care home II – A *day care operation* in the provider's *dwelling unit*, in the *family* living quarters, with no more than twelve (12) attendees at any one time, not including the immediate *family* members who reside in the *dwelling unit*.

19.10.173 FCC -- The Federal Communications Commission. [Ord. 265 § 20, 1999]

19.10.174 Federal Emergency Management Agency (FEMA) floodway -- The channel of the *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without increasing the *base flood elevation* more than one foot. [Ord. 394 § 1, 2003]

19.10.174.2 Fee-In-Lieu – The Fee-in-Lieu program allows commercial development in certain zones, under some circumstances, to pay a fee for each parking space that otherwise would have been required, rather than construct the parking space. [Ord. 531 § 1, 2010]

19.10.175 Fence - A barrier for the purpose of enclosing space or separating *lots*, composed of:

1. Masonry or concrete walls, excluding retaining walls; or
2. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh.

19.10.177 Fish Habitat -- Habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat. [Ord. 394 § 1, 2003]

19.10.179.1 Flood fringe -- That portion of the *floodplain* outside of the *zero-rise floodway* which is covered by floodwaters during the *base flood*, generally associated with standing water rather than rapidly flowing water. [Ord. 394 § 1, 2003]

19.10.179.2 Flood hazard areas -- Those areas subject to inundation by the *base flood* including, but not limited to, *streams*, lakes, *wetlands* and closed depressions. [Ord. 394 § 1, 2003]

19.10.179.3 Flood Insurance Rate Map -- The official map on which the Federal Insurance Administration has delineated some areas of flood hazard. [Ord. 394 § 1, 2003]

19.10.179.4 Flood Insurance Study for King County -- The official report provided by the Federal Insurance Administration which includes flood profiles and the *Flood Insurance Rate Map*. [Ord. 394 § 1, 2003]

19.10.179.5 Flood protection elevation -- An elevation which is one foot above the *base flood elevation*. [Ord. 394 § 1, 2003]

19.10.179.6 Floodplain -- The total area subject to inundation by the *base flood*. [Ord. 394 § 1, 2003]

19.10.179.7 Floodproofing -- Adaptations which will make a *structure* that is below the *flood protection elevation* substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy. [Ord. 394 § 1, 2003]

19.10.179.8 Floodway, zero-rise -- The channel of a *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without any measurable increase in flood height. A measurable increase in *base flood* height means a calculated upward rise in the *base flood elevation*, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the *floodplain*. This definition is broader than that of the *FEMA floodway*, but always includes the *FEMA floodway*. The boundaries of the 100-year *floodplain*, as shown on the *Flood Insurance Study for King County*, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a *critical area* study. [Ord. 394 § 1, 2003]

19.10.180 Footprint -- The exterior outline of a *structure* where it meets the earth.

19.10.181 Forest practice -- Any activity regulated by the Washington Department of Natural Resources in WAC Title 222 or Chapter 79.06 RCW for which a forest practice permit is required, together with:

1. Fire prevention, detection and suppression; and

2. Slash burning or removal. [Ord. 394 § 1, 2003]

19.10.183 Frontage -- The length of a *property line* along a *street*. For the purposes of BMC 19.30 (Signs), frontage shall also include the length of a *property line* along a *vehicular access easement or tract*. [Ord. 273 § 1, 1999; Ord. 358 § 1, 2002;]

19.10.184 Functions and values – The beneficial roles served by *critical areas* including, but not limited to, water quality protection and *enhancement*, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, *groundwater* recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority. [Ord. 394 § 1, 2003]

G

19.10.185 Garage, detached single-family -- A detached structure which is *accessory* to a *single detached dwelling unit* and to which there is legal vehicular access from a public *right-of-way*, designed for the storage of motor vehicles or boats of the residents of the *single detached dwelling unit*. [Ord. 523 § 1, 2009]

19.10.190 Geologically hazardous areas – Areas that because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to siting development due to public health and safety concerns. These areas include, but are not limited to *erosion hazard areas*, *landslide hazard areas* and *seismic hazard areas*.

19.10.195 Geologist -- A person who has earned a degree in geology from an accredited college or university and has at least five years of experience as a practicing geologist. The practical experience shall include at least three years work conducting slope stability and ground water hydrology evaluations in close association with qualified practicing geologists and *geotechnical engineers*.

19.10.200 Geotechnical engineer -- A practicing geotechnical engineer licensed as a professional civil engineer in the state of Washington and who has at least four years of professional employment as a geotechnical engineer in responsible charge, including experience with landslide evaluation.

19.10.205 Golf course - A recreational facility under private ownership, designed and developed for the playing of golf, and which may include related *accessory uses*.

19.10.210 Government facility – Services and facilities operated by any level of government, excluding those uses listed separately in this Code.

19.10.215 Grade - The average ground level at the midpoint of all exterior walls of a *building*. In case walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the finished ground level.

19.10.217 Grade, finished – The grade following development. [Ord. 428 § 3, 2005]

19.10.220 Grade, natural - The topography of the *lot* immediately prior to any site preparation or grading, including excavation or filling.

19.10.225 Grading - Any excavation, filling, removing the duff layer or any combination thereof. 19.10.227 Grazing area - Any open land area used to pasture *livestock* in which suitable forage is maintained over 80 percent of the area at all times of the year. [Ord. 355 § 1, 2002]

19.10.230 Gross floor area – The total square footage of all floors in a *structure* as measured from either the interior surface of each exterior wall of the *structure* or, if the *structure* does not have walls, from each outer edge of the roof. Area used to meet minimum parking requirements is not included in gross floor area.

19.10.232 Groundcover -- Living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against *erosion*. [Ord. 293 § 1, 2000]

19.10.233 Groundwater – Water in a saturated zone or stratum beneath the surface of the land or below a surface water body. [Ord. 394 § 1, 2003]

H

19.10.235 Hatchery/fish preserve – A place where fish eggs are incubated to produce young.

19.10.240 Hazardous household substance – A substance as defined in RCW 70.105.010.

19.10.242 Hazardous materials or substances—The following applies only to BMC 19.40: Any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that are physical or health hazards as defined and classified in Chapter 70.105 RCW and Chapter 173-303 WAC, whether the materials are in usable or waste condition, that may degrade *groundwater* quality when improperly stored, handled, treated, used, produced, recycled, disposed of, or otherwise mismanaged. Hazardous materials shall also include petroleum or petroleum products that are in a liquid phase at ambient temperatures, including any waste oils or sludges. [Ord. 394 § 1, 2003]

19.10.243 Hazardous materials questionnaire -- A form provided by the City of Burien and completed by a facility owner or operator that discloses the types and estimated amounts of *hazardous materials* used by the facility and the operational activities of the facility so as to establish the level of risk associated with those *hazardous materials* and activities for determination of regulatory status. [Ord. 394 § 1, 2003]

19.10.245 Hazardous substance -- A substance as defined in RCW 70.105.010.

19.10.250 Hazardous waste – All dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010(17), or its successor.

19.10.255 Hazardous waste storage – The holding of *hazardous waste* for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.

19.10.260 Hazardous waste treatment – The physical, chemical, or biological processing of *hazardous waste* for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume , as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.

19.10.265 Height - The vertical distance measured from average *natural grade*, to the highest point of the *structure*.

19.10.270 High technology industry – A *use* engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: bio-technology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. *Office, warehousing, wholesaling* and distribution of the finished products produced at the *site* are allowed as part of this *use*.

19.10.273 Home occupation - Any business or occupation undertaken for financial gain within a *dwelling unit* or *accessory building* that is incidental and secondary to the residential use of the premises. Telecommuting, which is work done from home on a part-time basis for a business that is based off the premises, is not a home occupation. [Ord. 355 § 1, 2002]

19.10.275 Hospital – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, extended care facilities, medical offices, training facilities, pharmacies, and *eating and drinking establishment*.

19.10.278 Human scale -- The perceived size of a *building* relative to a human being. A *building* is considered to have “good human scale” if there is an expression of human activity or use that indicates the *building's* size. For example, traditionally sized doors, windows, and *balconies* are elements that respond to the size of the human body, so these elements in a *building* indicate a *building's* overall size. [Ord. 273 § 1, 1999]

I

19.10.280 Impervious surface - Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved roads and walkways or parking areas and excluding landscaping, surface water retention/detention facilities, and *vehicular access easements or tracts* shared by two or more *single detached dwelling units*.

19.10.285 Impervious surface coverage - The percentage of the area of a *lot* that is covered by *impervious surface*.

19.10.287 Injection well -- A well that is used for the subsurface emplacement of fluids, including Class I, II, II, IV, and V wells as defined in Chapter 173-218 WAC. [Ord. 394 § 1, 2003]

19.10.288 In-kind -- To replace *critical areas* with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a *regulated activity*. It does not mean replacement "in-category." [Ord. 394 § 1, 2003]

19.10.290 Interim zoning code – The Interim Zoning Code of the City of Burien, as adopted by Ordinance 28, as amended.

K

19.10.295 Kenel -- A place where dogs or cats are temporarily boarded for compensation, whether or not for training.

L

19.10.298 Landscaping -- Live vegetative materials required for a development. Said materials provided along the boundaries of a *site* are referred to as perimeter landscaping. Landscaping provided on the remainder of the *site* is referred to as interior landscaping. [Ord. 293 § 1, 2000]

19.10.300 Landslide -- Episodic downslope movement of a mass including, but not limited to, soil, rock or snow.

19.10.305 Landslide hazard areas -- Lands that are potentially subject to risk of mass movement due to a combination of factors, including historic failures, geologic, topographic and hydrologic features, including any of the following:

1. Any *slope* with a vertical relief of 10 feet or more that is steeper than 15 percent with a combination of:
 - a. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and
 - b. Springs or ground water seepage;
2. Any *slope* with a vertical relief of 10 feet or more that is 40 percent or steeper, except areas composed of consolidated rock;
3. Any area designated or mapped as class U, UOS or URS by the Department of Ecology Coastal Zone Atlas;
4. Any area subject to wave erosion and bluff retreat;
5. Any area which has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch;
6. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;
7. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.

19.10.310 Light industry – A *use* that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair and/or packaging of finished products, predominantly from previously prepared and/or refined materials (or from raw materials that do not need refining). *Warehousing, wholesaling* and distribution of the finished products produced at the *site* is allowed as part of this use.

19.10.312 Livestock - Grazing animals kept either in open fields or *structures* for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, and alpacas. [Ord. 355 § 1, 2002]

19.10.313 Loading space - A space for the temporary parking of a vehicle while loading or unloading cargo or passengers. [Ord. 292 § 2, 2000]

19.10.315 Lodging facility – A *building* or portion thereof designed or used for the transient rental of rooms for sleeping. *Accessory* shops and services catering to the general public may be

provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

19.10.320 Lot – A physically separate and distinct parcel of property, which has been created pursuant to the City of Burien subdivision regulations, or was legally created prior to February 28, 1993.

19.10.325 Lot area – The total land area, excluding submerged land, contained within the *property lines* of a *lot*.

19.10.327 Lot Averaging - The numerical averaging of lot areas to determine compliance with the minimum lot area requirements of this title. [Ord. 428 § 3, 2005]

M

19.10.330 Major communication facility – [Repealed, Ord. 265 § 34, 1999]

19.10.331 Major new construction or modification – Construction from the bare ground or an enlargement or modification of an existing *structure* in excess of 50% of the current King County assessment value for the existing *structure* (excluding tenant improvements), as determined by BMC Title 15. [Ord. 273 § 1, 1999]

19.10.335 Master plan – A complete development plan for the *site* showing: placement, dimensions and uses of all *structures* as well as *streets* and other areas used for vehicular circulation.

19.10.340 Minor communication facility – [Repealed, Ord. 265 § 34, 1999]

19.10.345 Mitigation -- The use of any or all of the following actions listed in descending order of preference:

1. Avoiding the impact by not taking a certain action;
2. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected *critical area* or *buffer*;
4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
5. Compensating for the impact by replacing, enhancing or providing substitute *critical areas* and environments; and
6. Monitoring the impact and taking appropriate corrective measures.

19.10.350 Mixed use – A project or *building* that combines non-residential *use* with *dwelling units*, either in the same *building*, or in different *buildings* located on the same *site*.

19.10.355 Mobile home -- A *structure* transportable in one or more sections; that in the traveling mode is eight body feet or more in width or 32 body feet or more in length; or when erected on *site*, is 320 square feet or more in area; built on a permanent chassis; designed to be used as a *dwelling unit*, with or without permanent foundation, when connected to the required utilities; which contains plumbing, heating, air-conditioning and electrical systems; and shall include any

structure that meets all the requirements of this section, or of Chapter 296-150B WAC, except the size requirements for which the manufacturer voluntarily complies with the standards and files the certification required by the Department of Housing and Urban Development ("HUD").

19.10.360 Mobile home park - A development with two or more improved pads or spaces designed to accommodate *mobile homes*.

19.10.362 Modulation - Modulation is a stepping back or projecting forward of portions of a *building* face within specified intervals of *building* width and depth, as a means of breaking up the apparent bulk of a *structure's* continuous exterior walls. [Ord. 273 § 1, 1999]

19.10.365 Monitoring -- Evaluating the impacts of development proposals on biologic, hydrologic and geologic systems and assessing the performance of required *mitigation* through the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data.

19.10.367 Monopole – A *support structure* that consists of a single steel or wood pole sunk into the ground and/or attached to a concrete pad. [Ord. 265 § 21, 1999]

N

19.10.367.5 Native vegetation -- Vegetation comprised of plant *species*, other than *noxious weeds*, that is indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur in the Puget Sound region. [Ord. 394 § 1, 2003]

19.10.368 Nonconformance – Any *use*, *site improvement* or *structure* established in conformance with the City of Burien, or King County if prior to March 1, 1993, rules and regulations in effect at the time of establishment, that no longer conforms to the *uses* permitted in the *site's* current zone, or to the current development standards of the code due to changes in the code or its application to the *site*. [Ord. 268 § 10, 1999]

19.10.368.3 Noxious weed -- Any plant which is highly destructive, competitive, or difficult to control by cultural or chemical practices, limited to those plants on the state noxious weed list contained in Chapter 16-750 WAC and those regulated by King County. [Ord. 394 § 1, 2003]

19.10.368.7 Net floor area -- The usable or net square footage of floor area, exclusive of areas such as but not limited to *building* maintenance areas, storage areas, closets, or restrooms [Ord. 313, § 1, 2000].

19.10.369 Non-Residential Zone – The following zones: CN, CI, CC-1, CC-2, DC, CR, PR, O, AI-1, AI-2, I, SPA-1, SPA-2, and SPA-3. [Ord. 529, 2009, Ord. 396 § 1, 2003, Ord. 382 § 4, 2003, Ord. 265 § 22, 1999]

19.10.370 Nursing home – An establishment as defined in RCW 18.51.010.

O

19.10.373 Off-site commercial parking – Use of land or structure for parking of motor vehicles as a commercial enterprise where hourly, daily, weekly or monthly fees are charged and transportation is provided for users to a separate off-site commercial *use*. [Ord. 510 § 1, 2009]

19.10.375 Off-site hazardous waste treatment and storage facility – A facility that stores and/or treats *hazardous wastes* generated on a *site* other than the *site* where the storage and/or treatment occurs.

19.10.380 On-site hazardous waste treatment and storage facility – A facility that stores and/or treats *hazardous wastes* generated on the same *site* where the storage and/or treatment occurs.

19.10.385 Office – A place of employment providing professional, administrative, educational, business or governmental services other than production, distribution, sale or repair of goods or commodities. The following is a nonexclusive list of office uses: medical, dental or other health care; veterinary, accounting, architectural, engineering, consulting or other similar professional services; management, administrative, secretarial, marketing, advertising, personnel or other similar services; sales offices where no inventories or goods are available on the premises, real estate, insurance, travel agent, brokerage or other similar services.

19.10.390 Ordinary high water mark -- The mark found by examining the bed and banks of a *stream*, lake, or tidal water and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire *stream* feature.

19.10.390.5 Owner Occupied - A property owner as reflected in the title records, who makes his/her legal residence at the *site* as evidenced by voter registration, vehicle registration, or similar means, and resides at the *site* more than six months out of any given year. [Ord. 355 § 1, 2002]

P

19.10.391 Panoram device -- Any device which, for payment of a fee, membership fee or other charge, is used to view, exhibit or display a film or videotape. A panoram device also refers to a panoram, preview, picture arcade or peep show. The term panoram device does not include games which employ pictures, views or video displays, or gambling devices regulated by the state. [Ord. 291 § 4, 2000]

19.10.392 Panoram premises – Any premises or portion of any premises on which any *panoram device* is located and to which members of the public are admitted. Panoram premises does not include movie or motion picture theater auditoriums capable of seating more than five people. [Ord. 291 § 5, 2000]

19.10.393 Parking lot aisle -- That portion of the off-*street* parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited. [Ord. 292 § 3, 2000]

19.10.394 Parking space -- An area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle. [Ord. 292 § 4, 2000]

19.05.394.5 Patio - A surfaced area of the ground beyond a building designed, established, and/or installed to provide for outdoor living, cooking, and recreation, some sides of which are open and which may or may not have a permanent overhead covering. [Ord. 437 § 12, 2005]

19.10.395 Pawn shop – An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

19.10.395.5 Pedestrian-oriented façade – Ground floor facades that contain the following characteristics:

- (a) Transparent window area or window displays along a minimum of 75 percent of the ground floor façade between a height of 2 feet to 8 feet above the ground.
- (b) The primary building entry shall be on this facade. [Ord. 441 § 12, 2005]

19.10.396 Pedestrian-oriented space -- A pedestrian-oriented space is an area located outside of the right-of-way, between a *building* and a *street* or along a pedestrian path which promotes visual and pedestrian access onto the *site* and provides pedestrian-oriented amenities and landscaping to enhance the public's use of the space for passive activities such as resting, reading, picnicking, etc.

1. To qualify as a “pedestrian-oriented space”, an area must have:
 - A. Visual and pedestrian access (including handicapped access) into the *site* from the *street*.
 - B. Paved walking surfaces of either concrete or approved unit paving.
 - C. On-*site* or *building*-mounted lighting providing at least 4-foot candles at ground level with lighting level uniformity, average to minimum, shall be 2:1 or better.
 - D. At least 2 square feet of seating area (bench, ledge, etc.) or one individual seat per 60 SF of plaza area or open space.
2. A “pedestrian-oriented space” is encouraged to have:
 - A. Landscaping that does not act as a visual barrier.
 - B. Site furniture, *artwork*, or amenities such as fountains, kiosk, etc.
3. A “pedestrian-oriented space” shall not have:
 - A. Asphalt or gravel pavement (note: crushed granite may be used to protect tree roots).
 - B. Adjacent non-buffered parking lots.
 - C. Adjacent chain-link *fences*.
 - D. Adjacent *blank walls* without “blank wall treatment”. [Ord. 273 § 1, 1999]

19.10.397 Personal wireless service facility (PWSF) – A *site*, *building*, and/or *structure* that contains facilities to provide *personal wireless services*. A personal wireless service facility includes at least one of the following: *antenna*, *support structure*, and/or *equipment enclosure*. [Ord. 265 § 23, 1999]

19.10.398 Personal wireless services – As defined in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future. [Ord. 265 § 24, 1999]

19.10.399 Primary façade – The façade containing the building or individual business' primary entrance. [Ord. 441 § 12, 2005]

19.10.399.5 Primary structure – The *structure* that contains the *primary use*. [Ord. 523 § 1, 2009]

19.10.400 Primary use – The *use* listed in Chapter 19.15 for which the majority of the total square footage of a *site* is designed, arranged, occupied, dedicated or maintained. [Ord. 523 § 1, 2009]

19.10.405 Private club – An association of persons organized for some common purpose, but not including groups organized primarily to render a service which is commonly carried on as a business.

19.10.410 Property line – Those lines enclosing a *lot* and those lines defining a recorded *vehicular access easement or tract*. The following are categories of property lines:

1. Front property line: Any property line that is adjacent to a *street*. A property line abutting SR 518 freeway and/or the SR 509 freeway shall not be considered front property lines.
2. Interior property line: Any property line other than a front property line, and any property line that is adjacent to a *vehicular access easement or tract*.

19.10.415 Public agency training facility - An establishment for training state and local law enforcement, fire safety, national guard or transit personnel and *accessory* facilities including but not limited to:

1. Dining and overnight accommodations;
2. Classrooms;
3. Indoor shooting ranges;
4. Auto test tracks; and
5. Fire suppression simulations.

19.10.420 Public park and recreation facilities – A natural or landscaped area, *buildings* or *structures*, provided by a unit of government, to meet the active or passive recreational needs of people.

19.10.425 Public agency -- Any agency, political subdivision or unit of local government of this state, or private utility regulated by the Washington Utilities and Transportation Commission, including, but not limited to, municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the state of Washington, the United States or any state thereof or any Indian tribe recognized as such by the federal government.

19.10.430 Public utility - A facility for the distribution or transmission of services to an area; requiring location in the area to be served; including, but not limited to:

1. Telephone exchanges;
2. Water pumping or treatment stations;
3. Electrical switching substations;
4. Water storage reservoirs or tanks

5. Groundwater well-fields;
6. Regional storm water management facilities;
7. Storm drainage control facilities
8. Natural gas gate stations and limiting stations;
9. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users; and
10. Sewer lift stations.

R

19.10.435 Reasonable use -- A legal concept articulated by federal and state courts in regulatory taking cases. Within the context of these cases and for the purposes of this title, reasonable use shall mean any *use* allowed by Chapter 19.15 BMC and shall not mean the subdivision of property.

19.10.440 Recreational facility – A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Includes, but is not limited to: health club, sports instruction, and bowling alley.

19.10.445 Recycling center – An establishment for the processing (separation and/or recovery) or collection of recyclable materials from solid wastes. Recycling of oil or other liquids may also occur.

19.10.446 Regional utility corridor – A right-of-way tract or easement which contains transmission lines or pipelines for utility companies, excluding distribution lines contain within striate rights-of-way or lines serving individual lot or developments. [Ord. 428 § 3, 2005]

19.10.447 Regulated facility or activities -- A facility or activity that lies or occurs within the boundaries of a *critical aquifer recharge area*, and in which quantities of *hazardous materials* or substances in excess of twenty (20) gallons or two hundred (200) pounds are or will be present on the premises at any one time, unless otherwise exempted under this ordinance. [Ord. 394 § 1, 2003]

19.10.450 Religious facility – An establishment, the principal purpose of which is religious worship, and for which the principal *building* or other *structure* contains the sanctuary or principal place of worship, and which includes related *accessory uses*.

19.10.455 Residential zone – Any RS or RM zone.

19.10.460 Restoration -- Returning a *critical area* and/or its *buffer* to a state in which its stability and functions approach its unaltered state as closely as possible.

19.10.465 Retail – A commercial enterprise which: provides goods and/or services directly to the consumer; and, whose goods are available for immediate purchase and/or rental; and, whose goods are available for immediate removal from the premises by the purchaser and/or whose services are traditionally not permitted within an *office use*. The sale and consumption of food are included if: a) the seating and associated circulation area does not exceed ten percent of the *gross floor*

area of the use, and b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Goods and services offered include, but are not limited to: *convenience retail uses*.

19.10.470 Right-of-way – Land dedicated primarily to the movement of vehicles and providing for primary access to adjacent *lots*. The land may also provide space for pedestrian movement, utility lines and appurtenances and other publicly owned devices.

19.10.472 Riparian habitat -- Areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the *ordinary high water mark* or from the top of bank if the *ordinary high water mark* cannot be identified. It includes the entire extent of the *floodplain* and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the *stream* system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities. [Ord. 394 § 1, 2003]

S

19.10.474 Salmonid - A member of the fish family salmonidae, including:

1. Chinook, coho, chum, sockeye and pink salmon;
2. Rainbow, steelhead and cutthroat salmon;
3. Brown trout;
4. Brook and dolly varden char;
5. Kokanee; and
6. Whitefish. [Ord. 394 § 1, 2003]

19.10.474.5 Scale (architectural) - Means the perceived relative height and bulk of a building relative to that of neighboring buildings. A building's apparent height and bulk may be reduced by modulating facades. [Ord. 441 § 12, 2005]

19.10.475 School – An institution of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington. The following are categories of schools:

1. Elementary, and middle/junior high schools: Grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.
2. Secondary or high school schools: Grades 9 through 12, including associated meeting rooms, auditoriums and athletic facilities.

19.10.477 Screen/screening – The treatment created with landscaping and/or a decorative two-dimensional *structure* to visually conceal an area or on-*site* utilitarian use that is considered unattractive. [Ord. 273 § 1, 1999]

19.10.479 Secure community transition facility -- A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under RCW 71.09. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW [71.09.250](#) and any community-based facilities established under RCW 71.09 and operated by or under contract with the Washington State Dept. of Social and Health Services. [Ord. 363 § 1, 2002]

19.10.480 Seismic hazard areas – Lands subject to severe risk of earthquake damage as a result of seismically induced ground shaking, slope failure, settlement or soil liquefaction. These conditions occur in areas underlain by soft or loose soils.

19.10.485 Setback - The area on a *lot* that is required to remain free of *structures*.

1. Front setback: That portion of a *lot* adjacent to and parallel with any *front property lines* and at a distance therefrom equal to the required minimum front setback depth.
2. Interior setback: That portion of a *lot* adjacent to and parallel with any *interior property lines* and at a distance therefrom equal to the required minimum interior setback depth.

19.10.490 Self service storage facility – An establishment containing separate storage spaces that are leased or rented as individual units.

19.10.492 Shorelines of the State -- The total of all “shorelines” as defined in RCW 90.58.030(2)(d), and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030(2)c. [Ord. 394 § 1, 2003]

19.10.493 Significant tree -- An existing healthy tree which, when measured four feet above grade, has a minimum diameter of:

1. Eight inches for *evergreen* trees, or
2. Twelve inches for *deciduous* trees. [Ord. 293 § 1, 2000]

19.10.495 Site – The entire *lot* or series of *adjoining lots* on which a *use* is or will locate and that is otherwise subject to the provision of this Code.

19.10.500 Site improvements – Improvements on a *site* that are required so that the *use* on the *site* complies with the provisions of this Code. Site improvements include, but are not limited to landscaping, parking, signs, design features, *impervious surface coverage*, multi-family recreation space and other open spaces on the site.

19.10.505 Slope – An inclined ground surface, the inclination of which is expressed as a ratio or percentage of vertical distance to horizontal distance by the following formula:

$$\frac{\text{vertical distance}}{\text{horizontal distance}} \times 100 = \% \text{ Slope}$$

[Ord. 523 § 1, 2009]

19.10.510 Social card game – A card game governed pursuant to the provisions of RCW 9.46, 1973 Gaming Act and licensing by the Washington State Gambling Commission, whose purpose is to serve as a commercial stimulant to a *use* where food and beverages are served on the premises. Social card games may include house-banked or player-funded card games.

19.10.511 Species -- Any group of animals or vegetation classified as a species or subspecies as commonly accepted by the scientific community.

1. Endangered – Any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.
2. Sensitive – Any fish or wildlife species that is vulnerable or declining and could become endangered or threatened in the state without active management or removal of threats.
3. Threatened - Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species. [Ord. 394 § 1, 2003]

19.10.512 Specified anatomical areas

1. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely or opaquely covered. [Ord. 291 § 6, 2000]

19.10.513 Specified sexual activities -- Human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast. [Ord. 291 § 7, 2000]

19.10.515 Steep slope -- *Slopes* 40 percent or steeper within a vertical elevation change of at least 10 feet. A steep *slope* is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

1. The toe of a *slope* is a distinct topographic break in *slope* which separates *slopes* inclined at less than 40 percent from *slopes* 40 percent or steeper. Where no distinct break exists, the toe of a steep *slope* is the lowermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and
2. The top of a *slope* is a distinct, topographic break in *slope* which separates *slopes* inclined at less than 40 percent from *slopes* 40 percent or steeper. Where no distinct break exists, the top of a steep *slope* is the uppermost limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

19.10.516 Storefront – Means the front side of a store facing the street and including windows. [Ord. 441 § 12, 2005]

19.10.517 Stream -- Water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 222-16-031 and as listed under “water typing system.” Streams also include natural watercourses modified by man. Streams do not include irrigation *ditches*, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. [Ord. 394 § 1, 2003]

19.10.518 Stream, Intermittent -- Any non-permanent flowing drainage feature having a definable channel and evidence of scour or deposition. [Ord. 394 § 1, 2003]

19.10.519 Stream, Perennial -- A stream that carries flowing water continuously throughout the year regardless of weather conditions. [Ord. 394 § 1, 2003]

19.10.520 Street -- A public *right-of-way*.

19.10.525 Structure -- Anything permanently constructed in or on the ground, or over the water; excluding *fences* less than six feet in height, decks less than 18 inches above grade, and paved areas.

19.10.529 Sub-drainage basin - The drainage area of the highest order *stream* containing the subject property impact area. *Stream* order is the term used to define the position of a *stream* in the hierarchy of tributaries in the watershed. The smallest *streams* are the highest order (first order) tributaries. These are the upper watershed *streams* and have no tributaries of their own. When two first order *streams* meet, they form a second order *stream*, and when two second order *streams* meet they become a third order *stream*, and so on. [Ord. 394 § 1, 2003]

19.10.530 Submerged land -- Any land at or below the *ordinary high water mark*.

19.10.535 Substantial improvement -- Any maintenance, repair, structural modification, addition or other improvement of a *site*, the cost of which within any 60 month period, equals or exceeds 50 percent of the assessed value of the *buildings* on the *site*, either before the maintenance, repair, modification or addition is started or before the damage occurred, if the *building* has been damaged and is being restored.

19.10.537 Support structure - Any *structure* that is designed and constructed primarily for the purpose of supporting one or more *antennas*. [Ord. 265 § 25, 1999]

T

19.10.540 Theatre -- A *building* or portion of a *building* designed and/or used for showing motion pictures, video presentations, or for dramatic, dance, musical or other live performances.

19.10.543 Topographic map -- A survey of elevations, prepared with minimum five-foot contours. All planned grading shall be indicated with dashed contour lines for existing or natural grades and by solid contour lines for finished grades. The entire area to be cut and/or filled shall be indicated and temporary storage of any excavated or fill material shall also be indicated. All survey information shall be furnished, at the property owner or applicant's expense, by a professional land surveyor licensed in the state of Washington. In cases where, at a required point of measurement, the topography lines and building footprint do not intersect, spot elevations for the natural grade shall be indicated on the topography map. A bench mark shall be noted on all information supplied for the purpose of establishing a field reference. The bench mark shall, where practical, be located on city property. The bench mark shall be maintained at all times before and during construction. The presence of this bench mark shall be confirmed by the building official, or his/her designee before the natural topography is disturbed. Removal or disruption of the bench mark shall be grounds for a stop work order until the bench mark is properly reestablished. [Ord. 428 § 3, 2005]

19.10.545 Trail -- All public property designated as a trail including: the Indian Trail located in the Plats of Secoma Beach Subdivision Nos. 1, 2 and 3, as recorded in Volume 15, pages 70 and 94,

and Volume 16, page 25, book of plats; all public accesses to, from and across the Indian Trail shall be considered as part of the Indian Trail System, including public *rights-of-way* from existing or future roadway to the Trail and public *rights-of-way* from the Trail to the waterfront, which are not designated as *street*; and any future identified or developed trail included in the Comprehensive Parks Plan for the City of Burien.

U

19.10.550 Use – The nature of the activities taking place on public or private property. Each separate listing under the “Use” column in Chapter 19.15 of this Code is a separate use. [Ord. 523 § 1, 2009]

V

19.10.555 Vehicular access easement or tract – A privately owned *right-of-way*.

19.10.560 Vendor cart - An *accessory use* consisting of a portable stand and any related *accessory* appurtenances such as an awning, canopy or seating, used for the *retail* sales of goods including but not limited to beverages, food and flowers.

19.10.562 Vernacular - A *building* or complex of *buildings* that relate to, or are characteristic of a period, place or group; especially relating to or being the common *building* style of a period or place. [Ord. 273 § 1, 1999]

W

19.10.565 Warehousing and wholesale trade -- Establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a *retail use*.

19.10.570 Water table -- The upper limit of the *groundwater* body marking the boundary between the saturated zone, where soil and rock is completely saturated with water, and the unsaturated zone. It is defined by the levels at which water stands in wells that penetrate the *aquifer* just far enough to hold standing water. [Ord. 394 § 1, 2003]

19.10.575 Wellhead protection areas -- Wellhead protection areas may be defined by the boundaries of the ten (10) year time of *groundwater* travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where *groundwater* time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135. [Ord. 394 § 1, 2003]

19.10.580 Wetlands -- Wetlands are those areas in the City of Burien, designated in accordance with the Washington State Wetland Identification and Delineation Manual, as required by RCW 36.70A.175 (Ecology Publication #96-94). Wetlands are defined as those areas that are inundated or saturated, by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage *ditches*, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to

mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the Washington State Wetland Identification and Delineation Manual. [Ord. 394 § 1, 2003]

19.10.585 Wetlands, associated -- *Wetlands* that are in proximity to and either influence or are influenced by tidal waters or a lake or *stream* subject to the Shoreline Management Act (WAC 173-22-030). [Ord. 394 § 1, 2003]

19.10.590 Wetland classes, classes of wetlands, or wetland types -- The descriptive classes of *wetland* habitat types outlined in the classification system of the U.S. Fish and Wildlife Service (Cowardin et al. 1979). These include, among others, the following: palustrine forested, palustrine scrub-shrub, and palustrine emergent, and open water. [Ord. 394 § 1, 2003]

19.10.595 Wetland edge -- The boundary of a *wetland* as delineated based on the methods outlined in Washington State Wetland Identification and Delineation Manual. [Ord. 394 § 1, 2003]

19.10.600 Wildlife habitat - The place, including physical and biological conditions, where an animal usually occurs. This includes areas for breeding, foraging, resting, and cover. [Ord. 394 § 1, 2003]